



DA C \$ # 3

DOCKET NO.: KLI-0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In Re Application of:

Harvey J. Kliman and Rebecca L. Dobowny

APR 19 2001

Serial No.: 09/801,470

Group Art Unit: Not yet assigned
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

Filing Date: March 8, 2001

Examiner: Not yet assigned

For: METHODS OF DIAGNOSING AND MONITORING ENDOMETRIAL
GLANDULAR DEVELOPMENT

Payment date: 05/07/2001 LGIBBS
09/08/2001 BTEFFERA 00000006 09801470
FC: 704 -130.00 OP

DATE OF DEPOSIT: April 16, 2001

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

Exam. Ref: 05/07/2001 LGIBBS 0012492300
09/08/2001 BTEFFERA 00000006 09801470
FC: 704 \$130.00 CR

Robin S. Quartin
REGISTRATION NO.: 45,028

Assistant Commissioner for Patents
Washington DC 20231

PETITION TO ACCORD CORRESPONDENCE FILING DATE
SHOWN ON EXPRESS MAIL LABEL "DATE-IN" (37 C.F.R. § 1.10 (c))

1. This is a petition to accord the correspondence in the above-identified

application

patent

the "date-in" of March 8, 2001 shown on the Express Mail label No. EL531447145US.

It is respectfully contended that the date of March 7, 2001 accorded this correspondence by the PTO is incorrect.

2. Submitted herewith is the statement of Robin S. Quartin as to when the discrepancy was discovered and establishing that this petition is being filed promptly thereafter. 37 C.F.R. 1.10(c)(1).

3. Attached is a true copy of the first page of the correspondence which was filed, showing both the date on which this correspondence was mailed as Express Mail Label No. EL531447145US, and that the number of the Express Mail was placed thereon prior to mailing. 37 C.F.R. 1.10(c)(2).

05/08/2001 BTEFFERA 00000006 09801470

FC: 704 130.00 OP

4. Attached is a true copy of the "Express Mail" mailing label showing the "date-in" of March 8, 2001. 37 C.F. R. §1.10 (c) (3).

5. Other: copy of post card bearing U.S. Patent and Trademark Office mail room stamp, accorded filing date and serial number


6. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

- Enclosed please a check in the amount of **\$130.00**.
- Please charge Deposit Account No. 23-3050 in the amount of **\$130.00**.
- Please charge Deposit Account No. 23-3050 for any fee deficiency, or credit this account for any overpayment for this petition.

REQUEST FOR REFUND OF PETITION FEE

- As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested. Please make refund by crediting Deposit Account No. 23-3050.

Date: April 16, 2001


Robin S. Quartin
Registration No. 45,028

Woodcock Washburn Kurtz
Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



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PATENTS, WASHINGTON, DC 20231.

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REGISTRATION NO.: 45,028

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Washington DC 20231

**STATEMENT ATTESTING TO FACTS AS TO WHEN
DISCREPANCY BETWEEN FILING DATE ACCORDED BY PATENT
OFFICE AND DATE-IN ON EXPRESS MAIL LABEL WAS DISCOVERED**

On March 8, 2001, the above-identified patent application was filed with the United States Patent Office in accordance with the "Filing of Correspondence Procedure by Express Mail" set forth in 37 C.F.R. §1.10 and as evidenced by the enclosed Express Mail Label No. EL531447145US. Applicants undersigned attorney received the returned postcard enclosed with this application on March 27, 2001 bearing the Patent Office's mail room stamp, the accorded filing date and serial number of the above-identified application. Upon receipt thereof, Applicants attorney noted that there was a discrepancy between the Express Mail Label date-in of March 8, 2001 and the Patent Office's mail room stamp according this application a filing date of March 7, 2001.

In light of the forgoing and the evidentiary documentation attached herewith, Applicants respectfully request that the Patent Office accord this application the correct filing date of March 8, 2001.

Date: April 16, 2001

Robin S. Quartin
Registration No. 45,028

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Mackiewicz & Norris LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
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DOCKET NO. : KLI-0002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Harvey J. Kliman
and Rebecca L. Dubowny

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: Herewith

Examiner: Not Yet Assigned

For: METHODS OF DIAGNOSING AND MONITORING ENDOMETRIAL
GLANDULAR DEVELOPMENT

EXPRESS MAIL LABEL NO: EL531447145US
DATE OF DEPOSIT: March 8, 2001

Box Patent Application
 Provisional Design

Assistant Commissioner for Patents
Washington DC 20231

Sir:

PATENT APPLICATION TRANSMITTAL LETTER

Transmitted herewith for filing, please find

A Utility Patent Application under 37 C.F.R. 1.53(b).

It is a continuing application, as follows:

continuation divisional continuation-in-part of prior application number
____/____.

A Provisional Patent Application under 37 C.F.R. 1.53(c).

A Design Patent Application (submitted in duplicate).

Request for Nonpublication. The invention(s) disclosed in the present application filed herewith has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing. Thus, pursuant to 35 U.S.C. §122(b)(2)(B)(i), Applicant(s) request that the above-identified patent application not be published.



RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Paper: Patent Application Transmittal Letter w/stamp in dup.; Specification consisting of pages 1 to 75 including Claims and Abstract; Four sheets of Photographs consisting of Fig. 1, 2, 3 & 4; UNEXECUTED Combined Declaration and Power of Attorney; Check in the amount of \$862.00 for filing fee and claims; Return Postcard; All sent via Express Mail EL531447145US.

Applicant(s): Harvey J. Kliman and Rebecca L. Dubowny

Title: METHODS OF DIAGNOSING AND MONITORING ENDOMETRIAL GLANDULAR DEVELOPMENT

Serial No.: Not Yet Assigned

Filed: Herewith

Docket No.: KLI-0002

JC945 U.S. PTO

09/801470



03/07/01

Date Sent: March 8, 2001

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MD/RSQ

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